

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Feb. 7, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Shelburne,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

ABSENT—1.

Lewis.

EXCUSED—3.

Boren,	Simpson.
Bowser,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal of yesterday,

On motion of Senator Douglass, the reading of the same was suspended.

On motion of Senator Dickson, Senator Boren was excused until to-morrow morning on account of important business.

On motion of Senator Pressler, Senator Bowser was excused until next Thursday on account of important business.

On motion of Senator Swayne, Senators Browning, Jester and Greer were excused for non-attendance on yesterday on account of important business.

On motion of Senator Agnew, Senator Cranford was excused from attendance for to-day on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Goss:

Remonstrance from the citizens of Sherman county against the bill to disorganize counties.

Read and referred to Judiciary Committee No. 1.

By Senator Shelburne:

Memorial of Teachers' Association of Austin county protesting against

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the passage of any law providing for a uniform system of text books.

Read and referred to Committee on Education.

By Senator Browning:

Memorial of the ladies of the Sam Houston chapter of Lampasas, Texas, auxiliary to the society known as the Daughters of the Republic of Texas, praying for a sufficient appropriation to suitably mark the resting place of General Sam Houston.

Read and referred to Committee on Finance.

By Senator Crowley:

Memorial from school officers of Matagorda county recommending legislation in the interest of public schools in accordance with the resolutions adopted by the State association of county and city superintendents at its meeting held at Cleburne.

By Senator Imboden:

Petitions from citizens of Cherokee county, asking legislation restraining the reckless destruction of fish by parties using dynamite.

Read and referred to Judiciary Committee No. 2.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Contingent Expenses beg leave to submit their report for the week commencing January 30, 1893, and ending February 6, 1893, showing the number of claims and amounts allowed by said committee:

JANUARY 30.

State Senate, Dr., to G. P. Assman:	
To repairing locks and making keys.	\$37 00
State Senate, Dr., to Houston Post,	
To copies from January 13 to 31,	
19 days, at 3 cents	268 78

JANUARY 31.

State Senate, Dr., to Fort Worth Gazette:	
For dailies from January 13 to 31, 19 days	\$156 75
State Senate, Dr., to Galveston-Dallas News:	
To copies of dailies, 10 days	\$48 69
To copies of dailies, 9 days	44 10

Total amount to News	\$92 79
State Senate, Dr., to Dr. J. J. Tobin:	
To stationary and notions	\$65 70
State Senate, Dr., to William Jones:	
To hauling 4 loads of papers, at 25 cents	\$1 00
State Senate, Dr., to Ben C. Jones & Co.:	
To Daily Record from 12th to 19th of January, inclusive	\$59 11

State Senate, Dr., to Chaney Alexander:

To washing 96 towels..... \$4 00

State Senate, Dr., to Dallas News:

To copies of dailies 19 days.... \$98 25

FEBRUARY 6.

State Senate, Dr., to Walter

Tips—To traveling expenses while visiting penitentiaries. \$34 50

To R. E. Steele—Traveling expenses while visiting penitentiaries. 34 50

To J. P. Pool—Clerk of visiting penitentiary committee 34 50

To E. L. Agnew—Traveling expenses while visiting university branches 25 90

STEELE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 2, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 143, entitled "An act to provide for the payment by new counties of their proportionate share of the indebtedness of the older counties from which they were created,"

Have had the same under consideration, and instruct me to report it back to the Senate with the accompanying substitute, and with the recommendation that said substitute *do pass*.

Goss, Chairman.

A bill to be entitled "An act to provide for the payment by new counties of their proportionate share of the indebtedness of the older counties from which they were created."

Section 1. Be it enacted by the Legislature of the State of Texas, Any county which has heretofore been created, or may hereafter be created by the Legislature of the State of Texas, out of any other county or counties, shall be held liable for and bound to pay its proportion of all the liabilities of the county or counties from which it was taken, existing at the date of the creation of such new county, according to the proportionate value of the property in the excised territory and the value of the property remaining in the old county. And a suit to recover the same may be brought by the parent county, either in the district court of such parent county or in the district court of the newly created county, and the court shall have power to make any order or render any judgment necessary to carry out and ratify its decree therein.

Sec. 2. In any suit brought under this act the last tax rolls, as completed

by the assessor of the parent county prior to the creation of such new county, shall be conclusive evidence of the property and the value thereof remaining in the parent county and in the excised territory.

Sec. 3. All suits brought under this act are hereby declared to be of general public interest, and shall be given precedence upon the dockets of the courts of this State; and if the plaintiff shall recover, it shall be the duty of the commissioners court of the newly created county to levy a special tax on all property in the territory taken from the plaintiff county sufficient to pay off the judgment, and if the first levy be insufficient, to make said levy annually till said judgment is satisfied; and the judgment of the court shall order said commissioners court to make such levies.

Sec. 4. Whereas, the Constitution of the State of Texas provides that when any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law; and whereas, there are counties in this State which have been created out of older counties, which were in debt at the time of the creation of such new county; and whereas, there exists no remedy for the enforcement of their said constitutional rights, therefore, there exists an imperative emergency for the suspension of the rule requiring bills to be read on three several days, and the said rule is hereby suspended in both the Senate and House of Representatives, and this act shall become a law and take effect from and after its passage.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 34, entitled "An act to amend articles 488 and 489 of the Code of Criminal Procedure and to add to said Code 489a, 489b, 489c, 489d and 489e, providing for the attachment of witnesses in criminal cases and for the payment of expenses of witnesses in felony cases,"

Have had the same under consideration and they instruct me to report the accompanying committee substitute for said bill, said substitute entitled "An act to provide for the payment of the expense of attached wit-

nesses in felony cases," and recommend that said substitute *do pass*.

KEARBY, Chairman.

A bill to be entitled "An act to amend an act to provide for the payment of the expenses of attached witnesses in felony cases, approved April 23, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas, That any witness who may have been recognized or attached and given bond before any court out of the county of his residence to give testimony in a felony case, or habeas corpus proceedings in capital cases, and who shall appear in compliance with the obligations of such recognizance or bond, shall be allowed and paid as his expenses therefor 3 cents per mile for each mile traveled by him going to and returning from the court, to be estimated by the nearest practicable public or private conveyance, as the case may be, and \$1 per day for each day he may be necessarily absent from home as a witness in such case.

Sec. 2. Witnesses claiming their expenses under the foregoing article shall make and present to the judge of said court in term time a written statement therefor, verified by affidavit, which shall be examined by the judge, and if correct, and if the attachment was properly issued, and if the witness appeared in obedience to the obligations of his recognizance or bond, or before leaving home had made affidavit that he was unable to give bond, he shall approve the said account for said amount as he finds is actually due said witness, and so certify. Otherwise he shall reject it.

Sec. 3. That the account for the expenses of witnesses herein provided for shall be carefully recorded by the clerk of the court approving the same and the original given witness or his agent, and the clerk who so records it shall be entitled to a fee of 25 cents, to be charged the State and paid as a portion of his general account in felony cases.

Sec. 4. It shall be the duty of the Comptroller of Public Accounts upon the receipt of such account when it has been properly approved and recorded, as provided herein, to carefully examine the same, and if correct to draw his warrant on the State Treasurer for the amount due thereon in favor of the witness entitled to the same or other legal owner thereof; provided, if the appropriation for paying said accounts is exhausted he shall

file the same away, if correct, and issue a certificate in the name of the witness or other owner of said claim entitled to the same, stating therein the amount of the claim; and all such claims or accounts not transmitted to or placed on file in his office within twelve months from the date of such certificate or of the date of the approval of such account shall be forever barred.

Sec. 5. That no witness shall receive pay for his expenses as a witness in more than one case at any one term of court, unless where the indictment was presented after he was discharged from the case in which he was attached, and no fees shall be allowed to more than two witnesses to the same fact unless the judge shall, after such case has been tried, certify that such witness claiming expenses was necessary to the ends of justice in the cause.

Sec. 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 7. Whereas, The law providing for attached witnesses and paying the expenses of the same is uncertain and conflicting, whereby great expense is necessarily incurred by the State, and such hardship imposed on witnesses in criminal cases creates an emergency for the suspension of the rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:
Your Judiciary Committee No. 2, to whom was referred

House bill No. 85, entitled "An act to amend article 758, chapter 8, title 8, of the Code of Criminal Procedure of the State of Texas, providing for taking the depositions of witnesses for the defendant when such witnesses reside out of the county where the prosecution is pending,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not pass*.

KEARBY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:
Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 26, entitled "An act to amend articles 747 and 748, chapter 11, title 17 of the Penal Code,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 105, entitled "An act entitled an act to amend article 1712 of chapter 5 of the Revised Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 155, entitled "An act to be entitled an act to further define connecting lines of common carriers, their relationship to each other and to those dealing with them, or either of them, and to prescribe a rule of evidence as to such relationship, and to further prescribe their duties and liabilities,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 112, entitled "An act to amend article 635 of the Code of Criminal Procedure,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred back to the Senate with the recommendation that it be considered by the Senate in Committee of the Whole.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 73, entitled "An act to amend article 853, title 10 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under considera-

tion, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 116, entitled "An act to amend article 1075 of the Code of Criminal Procedure,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 106, entitled "An act to provide for the printing of the transcript of the records upon appeal to the civil courts of appeal in certain cases,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 96, entitled "An act to authorize the redemption of real estate sold under mortgage, trust deed, execution or other forced or judicial sale, and to provide the manner and time within which the same may be redeemed,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

McCOMB, Acting Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 77, entitled "An act to be entitled an act to make notes, bonds, contracts and other evidences of debt held by persons without the State of Texas, that are secured by a lien on land within the State subject to taxation, and providing that they shall be rendered and the taxes paid thereon in the county where the land is situated, providing mode of collect-

ing same, and prohibiting any agreement for the payor or owner of the land to pay such taxes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, with these amendments:

Amend the caption of the bill by striking out the word "debt," down to the word "that," in line 2 of the caption.

Amend section 1 by striking out all after the word "year," in line 5, down to the word "and," in line 6.

Amend section 5 by striking out all after the word "State," in line 3, down to the word "who," in line 4.

McCOMB, Acting Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 157, entitled "An act to amend an act approved July 4, 1887, and the amendatory act thereto approved March 31, 1891, and to change the times for holding the district courts in the Second, Ninth and Eleventh judicial districts of the State of Texas, and to take Montgomery county from the Eleventh and attach same to the Ninth, and take Angelina county from the Ninth and attach same to the Second judicial district, and to fix the time of holding courts in said districts, etc.,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

ATLEE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 150, entitled "An act to amend section 2 of an act to amend an act approved March 25, 1889, being an act to amend an act to re-enact section 28 of an act to redistrict the State into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; and to amend said section 28 of said act, approved February 26, 1885; and to create the Forty-ninth judicial district, to provide for the appointment and election of a district judge and district attorney therein, and to

repeal all laws and parts of laws in conflict therewith, passed at the regular session of the Twenty-second Legislature, being chapter 39 of the acts thereof,"

Have had the same under consideration, and instruct me to report in back to the Senate with the recommendation that it *do* pass.

ATLEE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 146, entitled "An act to amend chapter 10, article 4232 of the Revised Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the following amendments:

Amend by adding after the words "chapter 10," in caption, the words "title 84;" and after the word "Texas," in caption, the words "as amended by an act approved March 27, 1883."

SWAYNE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 6, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

House bill No. 171, "An act to grant to the Waco Water Power and Electric Company the right to construct and maintain and by necessary booms or otherwise to protect, and from time to time to raise a dam across the Brazos river, and to purchase, condemn and pay for lands, rights and other property overflowed or injured thereby or necessary therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the House amendments.

SWAYNE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 54, being "An act to amend article 143 of the Revised Civil Statutes of the State of Texas, concerning advertisements for bids to furnish supplies to asylums,"

And find the same correctly enrolled, and have this day, at 10:45 a. m., presented the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, being "An act to limit and regulate the ownership of real estate within this State by private corporations, foreign or domestic, to provide how and when such real estate shall be sold to natural persons, and to provide for the enforcement of this act; to provide for payment of attorney fees and costs of such suit, and for the disposition of the proceeds of said real estate; to provide that certain corporations may own real estate for certain purposes, and to repeal all laws in conflict with this act,"

And find the same correctly engrossed.

PRESSLER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Imboden:

A bill to be entitled "An act to amend an act approved July 4, 1887, and the amendatory act thereto, approved March 31, 1891, and to change the times of holding the district courts in the Second, Ninth and Eleventh judicial districts of the State of Texas, and to take Montgomery county from the Eleventh and attach same to the Ninth, and take Angelina county from the Ninth and attach same to the Second judicial district, and to fix the time of holding courts in said districts, etc."

Read first time and referred to Committee on Judicial Districts.

By Senator Hutchison:

"An act to define who are fellow servants and who are not, and to prohibit contracts being entered into to limit the liability of employer to employe for damages."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dickson:

A bill to be entitled "An act for the relief of one A. L. George."

Read first time and referred to Committee on Claims and Accounts.

By Senator Goss:

A bill to be entitled "An act to authorize the relinquishment to the State of Texas by the owners of the State school, university or asylum lands, of any portion of said lands owned by them in excess of 160 acres."

Read first time and referred to Committee on Public Lands and Land Office.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE OFFICE,
AUSTIN, TEXAS, Feb. 6, 1893.

Gentlemen of the Senate and House of Representatives:

It becomes my painful duty to emphasize to you the necessity of taking some steps to prevent mob violence in Texas. The recent terrible holocaust at Paris is but an illustration to what extent the mob spirit will go when the laws are inadequate to check it. While the victim of that affair was guilty of an atrocious, barbarous crime, appalling to contemplate, for which he was certain of full punishment under the Constitution and laws of our State, civilization stands as a helpless witness to the most revolting execution of the age, in which large numbers of citizens openly, in broad day, publicly became murderers by methods shameful to humanity.

Brushing away all sentiment, which should never accompany punishment for crime, the public murder committed at Paris is a disgrace to this State. Its atrocity, inhumanity and sickening effect upon the people at large cannot be obscured by reference to the savage act of the culprit himself in brutally taking the life of an innocent child. For his deed the death penalty awaited him under the law. The imputation that he could not have been legally executed in any court in this State is a slander upon the integrity of every citizen. To contend that his executioners, who publicly murdered him, can either be indicted or tried in the county where the crime was committed, is a pretense and a mockery. So, the condition exists in our State that while one man may be convicted for murder, a hundred men who publicly commit murder cannot be. The laws, therefore, without further legislation, may be held in defiance in any community where the forces are strong enough to overawe the local officers and set aside the legal machinery of justice. Our Constitution is not so hide bound that this condition must continue.

It is in the power of the Legislature to adopt suitable measures to either prevent mob law, or to bring to punishment all murderous executioners. No combination of men should ever be so strong in any government as to successfully override the law. They should never be so numerous as to make it impossible to bring them to

trial for their crimes in the proper court.

The Constitution provides that in all criminal prosecutions for a felony the accused shall have a speedy public trial by an impartial jury on indictment duly found. That he shall have the right to demand the nature and cause of the accusation against him, and have a copy thereof. That he shall not be compelled to give evidence against himself. That he shall have the right of being heard by counsel. That he shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor, and that no cruel or unusual punishment shall be inflicted on any citizen of this State for crime.

Mobocracy overrides all these guarantees. It was done in this Paris case. It has been done in many others, where the victims were innocent of crime. So it bids fair to continue. The question presents itself: Are the people willing to submit to this? If they are, they should have the courage, the manhood, the justice and the patriotism to repeal the bill of rights and permit each local community to summarily dispose of all real or supposed offenders.

This late execution at Paris is not the only one that has been performed by a mob in that county within the past twelve months, for within that period three other men were hanged to death in the neighborhood, who had committed no crimes. Their presence in the community was, perhaps, offensive or menacing to the pleasure and equanimity of the band of murderers who took their lives. There have been other instances in this State where innocent men have been executed by mobs, and no punishments therefor have been possible.

The condition has grown to this: That if enough men in a community choose to defy the law, they can go on in their nefarious executions at will. The action at Paris is the culmination of this spirit long existing in a few communities of this State magnified on a large scale. Will the Legislature stand by and permit this condition to remain undisturbed, unchanged any longer. I hope not. So far as I am concerned, I believe that to the guiltiest culprit that may blacken his hand with crime, the Constitution guarantees should be jealously observed throughout in his trial and execution. When any conditions are made to justify or excuse a precedent for mob law, others will arise at

the convenience of the murderous class. The observation of every experienced man teaches that when a community is infested with a mob spirit legal executions become rare and impracticable, if not impossible. When a murderer on trial knows that he is before a jury composed of one or more men who have escaped punishment for an equal crime, he feels sure of either an acquittal or a hung jury.

A mob execution is no less than a murder execution. No man or set of men with murder upon their hands are capable of justly enforcing the laws. As a rule the riffraff, lounging, indolent, lawless element of a community inspire and lead the mobs, while the law abiding, industrious, honest citizen is terrorized by the spectacle. If people otherwise respectable are led into the crime by the excitement of the occasion, in their cooler moments they must see that their associates and leaders are an element of hardened criminals. Something should be done to teach them in advance that for their crimes they must answer at the bar of justice. The question is difficult to deal with, but if your honorable bodies will enact suitable laws and place the means at my command, every person who takes part in a mob shall be brought to trial, or the strength of the machinery of justice shall be thoroughly tested in the effort. There is no higher obligation resting on the legislative department than to have the constitutional guarantees for protection of life, liberty and property respected and obeyed. If taxation becomes necessary to raise funds by which this may be done, I advise your honorable bodies to lay it on and make the people pay it to the full extent necessary. To aid in suppressing mob violence in this State, I respectfully suggest a law embodying the following features:

First. That when any person, being a prisoner, or in jail or other place of confinement, or under arrest or in official custody, or restraint, or is held by or under the authority of any county, city or State officer, or is restrained by virtue of any legal process, shall be taken from such place or authority in violation of law, and put to death, the county within which such person was so held or confined, and from which he may have been so taken, shall be liable to pay a specified large sum to the surviving husband, wife, children and parents of said person who shall so suffer death.

Second. Make the county also lia-

ble for damages when any person not being a prisoner or under legal duress is mobbed by two or more persons, and the said criminals are not within a specified time indicted and prosecuted for their crime.

Third. Make each person or corporation also liable for damages who takes part in, or aids by acts, encourages by words or gestures, or who keeps watch or in any way abets in the mobbing of a person.

Fourth. Give the surviving relatives an action in the district court of any county where the murder was committed or in any county where either or all of the plaintiffs may reside when the action is instituted.

Fifth. Render the sheriff ineligible to hold his office, and provide for his removal, when a prisoner is taken from a jail or from himself or from any officer or lawful authority in his presence and is put to death by a mob.

Sixth. Provide for a change of venue either before or after an indictment in all cases of mob violence. When passion in its wild rush for blood overrides the law and tramples down the Constitution a precedent for anarchy is set, making the way for the destruction of this government. Patriotic action on the line of wisdom and justice now becomes necessary to prevent its spread.

Repeated overt criminal acts in this State have sounded the warning. The power rests with your honorable bodies to encourage anarchy by silence or crush it by suitable action. Strengthen the laws, supply the means and if the executive fails to perform his duty under all circumstances, let him stand condemned as a criminal himself before the civilized world.

Respectfully,

J. S. HOGG,
Governor of Texas.

Senator Atlee moved that the Governor's message be committed to Judiciary Committee No. 2, with the instruction that it take precedence over all other matters before that committee, and that they report thereon.

Carried.

SPECIAL ORDER.

The Chair placed before the Senate Senate concurrent resolution No. 9, on second reading.

Read second time and ordered engrossed.

The Chair placed before the Senate, Senate bill No. 143, entitled "An act to provide for the payment by new

counties of their proportionate share of the indebtedness of the older counties from which they were created," on second reading.

Bill read second time, and

On motion of Senator Pressler, the bill and committee substitute were recommitted to the Committee on Counties and County Boundaries.

BILLS ON THIRD READING.

The Chair placed before the Senate, Senate bill No. 19, entitled "An act to establish a board to hear applications for pardons and commutations," on third reading.

Bill read third time and passed by the following vote:

YEAS—13.

Agnew,	McKinney,
Atlee,	Pressler,
Baldwin,	Steele,
Browning,	Tips,
Crowley,	Woods,
Kearby,	Yoakum.
McComb,	

NAYS—9.

Dickson,	Lawhon,
Douglass,	Shelburne,
Greer,	Smith,
Hutchison,	Whitaker.
Jester,	

ABSENT—6.

Bowser,	Imboden,
Cranford,	Lewis,
Dean,	Swayne.

EXCUSED—5.

Boren,	Simpson.
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Senator Goss paired with Senator Cranford, the latter voting aye, the former nay.

The Chair laid before the Senate, Senate bill No. 50, entitled "An act to prevent the employment of Pinkertons, or other armed forces, by any person, corporation or firm in this State."

Bill read third time and passed by the following vote:

YEAS—15.

Agnew,	Lawhon,
Baldwin,	McComb,
Browning,	Pressler,
Crowley,	Steele,
Dickson,	Tips,
Douglass,	Whitaker,
Hutchison,	Woods,
Kearby,	Yoakum.

NAYS—7.

Atlee,	McKinney,
Goss,	Shelburne,
Greer,	Smith.
Jester,	

ABSENT—6.

Bowser,	Imboden,
Cranford,	Lewis,
Dean,	Swayne

EXCUSED—2.

Boren,	Simpson.
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BILLS ON SECOND READING.

The chair placed before the Senate Senate bill No. 25, entitled "An act to regulate the practice in trial and appellate courts in relation to new trials and reversals of cases where the verdict and judgment is held excessive, and to require said courts to indicate the excess, and to provide for filing remittiturs, and the effect thereof."

Bill read second time and ordered engrossed by the following vote:

YEAS—15.

Agnew,	Kearby,
Baldwin,	Lawhon,
Browning,	Pressler,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Woods,
Greer,	Yoakum.
Jester,	

NAYS—8.

Atlee,	McKinney,
Crowley,	Shelburne,
Hutchison,	Swayne,
McComb,	Whitaker.

ABSENT—6.

Bowser,	Imboden,
Cranford,	Lewis,
Dean,	Tips.

EXCUSED—2.

Boren,	Simpson.
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Senator Kearby moved to suspend the constitutional rules requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Lost by the following vote:

YEAS—13.

Agnew,	Lawhon,
Baldwin,	McKinney,
Dickson,	Pressler,
Greer,	Steele,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

NAYS—11.

Atlee,	McComb,
Browning,	Shelburne,
Crowley,	Smith,
Douglass,	Tips,
Goss,	Whitaker.
Hutchison,	

ABSENT—5.

Bowser,	Lewis,
Cranford,	Swayne.
Dean,	

EXCUSED—2.

Boren,	Simpson.
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The Chair placed before the Senate, Senate bill No. 35, entitled "An act to exempt Comanche county from the operations of the stock inspection law."

Read second time and ordered engrossed.

Senator Pressler moved to suspend the Constitutional rules requiring bills to be read on three several days and the bill be put upon its third reading.

Carried by the following vote:

YEAS—21.

Agnew,	Kearby,
Atlee,	Lawhon,
Browning,	McComb,
Crowley,	McKinney,
Dickson,	Pressler,
Douglass,	Shelburne,
Goss,	Steele,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—2.

Smith,	Tips.
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ABSENT—6.

Baldwin,	Dean,
Bowser,	Lewis,
Cranford,	Swayne.

EXCUSED—2.

Boren,	Simpson.
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The bill was read third time and passed by the following vote:

YEAS—23.

Agnew,	Lawhon,
Atlee,	McComb,
Browning,	McKinney,
Crowley,	Pressler,
Dickson,	Shelburne,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

NAYS—none.

ABSENT—6.

Baldwin,	Dean,
Bowser,	Lewis,
Cranford,	Swayne.

EXCUSED—2.

Boren,	Simpson.
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The Chair laid before the Senate, Senate bill No. 54, and

On motion of Senator Crowley the same was laid on the table subject to call.

The Chair laid before the Senate, Senate bill No. 69, entitled "An act to amend article 3122 of chapter 1, title 68 of the Revised Civil Statutes of the State of Texas."

Read second time and ordered engrossed.

The Chair placed before the Senate Senate bill No. 78, entitled "An act to make the necessary provisions for compensation of the attending physicians on bodies where inquests are held."

Read second time and the committee amendments adopted.

By Senator Agnew:

Amend by striking out the word "fifteen," in line 1, section 2, and insert "not less than five nor more than fifteen."

Lost.

The bill was then ordered engrossed.

The Chair then placed before the Senate

Senate bill No. 88, entitled "An act to amend section 11 of an act approved April 28, 1891, entitled an act to amend sections 11, 14 and 15 of an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99 of an act entitled an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands out of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887, approved April 8, 1889."

Bill read second time and ordered engrossed.

Senator Goss moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill be put upon its third reading and final passage.

Lost by the following vote:

YEAS—18.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Dean,	McComb,
Dickson,	McKinney,
Douglass,	Pressler,
Goss,	Whitaker,
Greer,	Woods,
Imboden,	Yoakum.

NAYS—6.

Crowley,	Smith,
Hutchison,	Steele,
Shelburne,	Tips.

ABSENT—5.

Bowser,	Lewis,
Browning,	Swayne.
Cranford,	

EXCUSED—2.

Boren,	Simpson.
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Senator Imboden moved to suspend pending business, and take up Senate bill No. 157.

Carried by the following vote:

YEAS—19.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	McComb,
Browning,	McKinney,
Dickson,	Presler,
Douglass,	Shelburne,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—4.

Crowley,	Tips,
Lawhon,	Whitaker.

ABSENT—5.

Bowser,	Lewis,
Cranford,	Swayne.
Dean,	

EXCUSED—2.

Boren,	Simpson.
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Senator Imboden moved to suspend the constitutional rules requiring bills to be read on three several days, and that the bill placed upon its second reading.

Senator Steele moved to postpone same, and make the bill special order for Friday, February 10, at 11 a. m.

Lost.

Senator Steele then moved to make the bill special order for Thursday, February 9, after call.

Carried.

The Chair then placed before the Senate,

Senate bill No. 91, entitled "An act to validate patents heretofore issued and locations heretofore made by virtue of Confederate veteran donation land certificates."

Bill read second time.

By Senator Tips:

Amend committee amendment by striking out the words "have the authority to," in line 5.

Adopted.

By Senator Hutchison:

Amend by adding the word "there-

on" after the word "house" in line 4 of said amendment.

Adopted.

Senator Steele moved to reconsider the vote by which the amendment offered by Senator Tips was adopted.

Carried.

Action recurred to said amendment and same was lost.

The committee amendment as amended was then adopted.

By Senator Kearby:

Amend the caption by adding after the word "heretofore" the words "and hereafter to be."

Adopted.

By Senator Kearby:

Amend section 1 by adding after the word "heretofore" the words "and hereafter to be."

Adopted.

The bill was then ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 95, entitled "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature, chapter 101, page 161."

Bill read second time and committee amendments adopted.

Senator Kearby moved to make the bill special order for Thursday after morning call, and it was so ordered.

Senator Baldwin moved to suspend pending business and take up Senate bill No. 91.

Carried by the following vote:

YEAS—23.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McComb,
Crowley,	McKinney,
Dean,	Pressler,
Dickson,	Shelburne,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum,
Jester,	

NAYS—3.

Browning,	Tips.
Smith,	

ABSENT—3.

Bowser,	Lewis.
Cranford,	

EXCUSED—2.

Boren,	Simpson.
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Senator Baldwin then moved to suspend the constitutional rules requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Carried by the following vote:

YEAS—23.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McComb,
Crowley,	McKinney,
Dean,	Pressler,
Dickson,	Shelburne,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—2.

Smith,	Tips.
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ABSENT—3.

Bowser,	Lewis.
Cranford,	

EXCUSED—3.

Boren,	Simpson.
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Bill read third time and passed by the following vote:

YEAS—25.

Agnew,	Lawhon,
Atlee,	McComb,
Browning,	McKinney,
Baldwin,	Pressler,
Crowley,	Shelburne,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

NAYS—none.

ABSENT—3.

Bowser,	Dean,
Cranford,	Lewis.

EXCUSED—2.

Boren,	Simpson.
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On motion of Senator Steele, Senate adjourned until to-morrow morning at 10 o'clock.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Feb. 8, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—31.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,